App. F. IX-4

Previous References
767-09-1&2
183-27-1-8
36-28-

1931-32
Miscellaneous

File No. 68-31
Serial Nos. 68 ~~2~~
1&2

Later References

General and Revenue Secretariat.

Serial Nos. 2

Part B for Septr 31

SUBJECT.

Reviews petn. from Nirunjana Swami of Makkala devara matt abkanamu magadi re recovery of the Value of the Matt Js from the Village officers.

By M/s K. V. Srinivasan. Advocate for the Petitioner No 397 dt 14.9.31.

Rejects the Revision Petn

Copy to Mem Coun= 398 dt

17.9.31

App. F. III—2

General and Revenue Secretariat — Mucz — File No 68 of 931-2

Serial No.

Petition dt 2-9-31 filed by Sri V. N. Srinivasa Aiyangar Advocate Respdt on behalf of Niranjanaswami of Mahkala-Devara Mutt Kanakur Magadi Taluk praying that orders of 18-5-28 passed in Muz-Appeal No 14 of 27-28 be revised in the matter of recovering the sum referred to therein from the Respondents

There was already a review application from Niranjanaswami of Kanakur which was rejected on 27-8-28 in this office letter No 460/Muz 36-28-2 issued thereto It is submitted that the case does not deserve further review. The petitioner has not also enclosed authenticated copies of orders. Orders if any may be rejected

This is a time barred case - [illegible] as remarked by Law Asst in another file

Kindly refer to para 54 of Muz. 183 of 27. The Member has minuted as follows:- "The Mutchalika obtained from the Shanbog and Patels does not provide for the adoption of coercive measures under the Land Revenue Law for recovering the properties or their value entrusted to them

On the recognition of the succession of Niranjanaswami and on the transfer of the management of the mutt to him, all action in respect of the recovery of its

2)

File No 68 of 1931-2 | General and Revenue Secretariat

properties should be taken by him."
The legal opinion is contained in pages 58 to 60 of the file. Govt orders were communicated to the Mysore on 18-5-28 and a review petn was submitted to the Dewan on 28-7-28 which was rejected on 27-8-28.

If it is proposed to entertain the further prayer which has been submitted three years after the last order, the file may be referred to the Law Dept for advice as regard paras 6 to 10 of the petition.

9&K 7931. H. Lacey) 5) VS 7.9.31

2nd Member) 6) 29.9.31

(1) May be rejected

SPR 9/9

Dept Asked

GS 9&K 10/9.

Issue VS 12.9.31

2886/74

OFFICE OF THE ... COUNCIL 9 SEP. 1931 No. 68

3.9.4 & 14.9.1931, to Mr. K.N. 2
Sri. Venkatesa Advocate Bangalore a/k

App. I III--2

General and Revenue Secretariat — File No 66 — of 1931.

Serial No	
	Intimating that the review petition referred to therein has been rejected vide Memo No 3989 14-9-31 to the Mysore Commissioner forwarding copy given above.

P 16/9/31

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8

1. There is a Veerasaiva Mutt in - Kananur Village in Magadi Taluk. The Swami of that Mutt one Santhaveeraswami died in the year 1907. There was a dispute regarding the Succession of a Swami to the said - Mutt between the petitioner and the Muragi Mutt and the succession was finally determined in favour of the petitioner by the Government, in Muzari Appeal No.2 of 1917 - 18.

2. That during the pendency of the said case before the Government, all the - moveable and immoveable properties of the Mutt were taken charge of by the Government and an inventory was prepared, and on 5/3/1908 the Deputy Commissioner of Bangalore District, entrusted the said properties to the custody of three village officers Viz the 1st oppo - nent and Patel Bhadriah, the deceased father of the 2nd opponent, and Patel Muddaveeriah, the deceased father of the 3rd opponent, and grand-father of opponents 4(a) and 4(b) who all took charge of these properties as trustees and Muchalikas were taken from them.

3. That as stated in Para 1 Supra, the petitioner was finally recognised as the Swami by the Government and the Government :-

directed

directed that the properties which had been entrusted to the said opponents be handed - over to the petitioner.

4. That on 10/8/1918, the immoveable properties of the Mutt, and only a few of the moveable properties were handed over to t h e petitioner but the remaining properties were not handed over till now.

5. The petitioner went on petitioning the various officers for restoration of the remaining articles, and after several years on 21/10/1924, the Sub-Division Officer of Closepet in obedience to the order of the Muzrai Commissioner, directed the opponents to restore the articles or their value of Rs.1367-0-0 to the petitioner. The said order was modified in appeal by the Deputy Commissioner and the Muzrai Commissioner. But as the value of the articles was considerably reduced by the Muzrai Commissioner, the petitioner went up in appeal to the Government in Muzrai Appeal No.14 of 1927 - 28 and prayed that their order in Muz. Appeal No.2 of 1917 - 18 be kindly executed and that all t h e articles that were taken possession of by the - Government or their value be kindly ordered to be restored to the petitioner. But the Government in their order in the said appeal have - declined

declained to do so and have directed the petitioner to take what action he chose according to law.

6. That in so far as the articles in question were not handed over by the petitioner to the opponents, he has no cause of action directly against the opponents, unless the Government who - entrusted the properties to the opponents expressly granted permission to the petitioner to file a suit against the opponents for and on behalf of the Government and of the Mutt and to recover the properties from them. In the absence of such specific sanction the provisions of the Muzrai - Regulation will bar a civil Suit by the - petitioner.

7. That in as much as the opponents are in custody of the properties as trustees, under Section 10 of the Limitation Regulation a suit against them is not barred by time. But the entrustment having been made by the Government - and not by the petitioner - it may be found that the petitioner is not the proper person to claim the properties, but the Government, unless as submitted above, the Government are pleased in the interests

of the Mutt

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE-

MAHARAJA OF MYSORE - BANGALORE.

Review Petition No. of 1931-32.

PETITIONER:- --(VS)-- OPPONENTS:-

NiranjanaSwami. Ranganna and others.

AFFIDAVIT FILED BY THE -

PETITIONER.

I, the petitioner above-named do hereby solemnly beg to affirm and state as - follows:-

1. That subsequent to the date of the - Government order in Muzrai Appeal No.14 of 1927-28 directing me to take whatever course is open to me according to law for the recovery of the - remaining articles belonging to the Mutt, I - consulted my Lawyer regarding the course that was open to me according to law. He was of opinion that as I had not personally entrusted the opponents with the articles I had no cause of action against the opponents, and that even if I had - a cause of action, the provisions of the Muzrai Regulation would be a bar to my filing any civil Suit against them.

2. He

delegate the authority of the Government to him to file a suit against the opponents in a competent Civil Court and to recover the - properties entrusted to the opponents or the value of the said properties as already determined by the sub-Division Officer of Closepet.

B A N G A L O R E,

Advocate for Petitioner.

P E T I T I O N E R.

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2. He

2. He therefore suggested that I might in the interests of the Mutt, try to have this matter settled amicably through the intervention of Pnachayatdars. Accrodingly I attempted to have this matter settled amicably and the opponents - went on postponing the affair till very recently, and have now declined to agree to any settlement in this matter.

3. Apparently they must have taken legal advice and must have discovered that I had no cause of action against them - - and that the Government having delined to take any action against them, any remeady that I might have had was extinquished.

4. That thereafter I approached my Lawyer once again and informed him about the fruitless result of my attempts to have the matter settled amicably, and sought for his advice with a view to filing a suit - against the opponents. He informed me - that the properties having been entrusted to the opponents by the Deputy Commissioner - under instructions from the Government, the Government alone were entitled to file the Suit against them unless the Government Chose to delegate their Power to me and enable me to file a suit and recover the properties.

He therefore

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He therefore adviced me to move the Government by a review petition and prayed for such relief as they may be pleased to grant under the circumstances of the case.

Hence there has been some delay in filing the review potition- which I pray might- kindly be condoned.

BANGALORE,
28th August 1931.

ನಿಜಂಪನ್ನಕ್ಕಾಗಿ ಸಲ್ಲಿಸಿದೆ

SWORN TO BEFORE ME,

29. 8. 31

Before the Government of His Highness the Maharaja of Mysore.

Case No. 2 of 1917 - 18.

Petitioners:-	Counter Petitioner:-
1.Agent of Muragi Mutt.	Revanna alias Niranjana Swami.
2. Yajaman Honna Setty of Honnudike, Tumkur Taluk.	

S u b j e ct.

Petition from 1. the agent of Murgi Matt and 2 the 2nd petitioner and other disciples of the Makkala Devara Matt - objecting to the appointment of Revanna (Respondent) as Guru of the Makkala Devara Matt, Kannur Magadi Taluk.

D e c i s i o n.

The case came up for final hearing on 16th. April 1918. Advocates for the petitioners, Messrs. M.Krishna Murti and M. Ramachandra Rao, prayed for an adjournment, as they ~~expected~~ expected the parties to come to a compromise. Mr. M.Basaviah Advocate, for the Counter Petitioner had no objection and the case was adjourned.

On 17th April 1918, Mr.M.Krishna Murthi, Advocate for the Muragi Matt, and the parties appeared before Government with a "Razinama" under which the Swamigalu of the Mugagi Matt requests that the Respondent may be accepted as the Murti of Makkaladevara Matt, and the Matt properties be restored to the possession of the latter. The Facts of the case are as follows: Santeviraswami of ather own. now- ged - his

of Makkaladevara Matt died on 14th. May 1917 without having nominated a successor. Three days later, a Sabha presided over by the Ayya of the Kenchigal Bande Matt) a neighbouring institution) was held, at which the counterpetitioner was chosen as - succession, the first petitioner took objection saying that the Makkala devara Matt was subject to the control of the Muragi Matt and that in the present instance, the Muragi Matt had not been consulted. Petitions of similar nature were also received from some of the alleged disciples of the Makkaladevara Matt, - Chief among whom is the 2nd petitioner. Pending the settlement of the matter, the properties of the Matt were attached.

According to the compromise now arrived at, the counter - petitioner is recognised by the Swamigalu of the Muragi Matt as successor to the late swami of the Makkaladevara Matt in consideration of his having apologised and his agreeing to seek the consent of the Swamigalu of the Muragi Matt in the Matter of the future succession to the Makkaladevara Matt.

The Razinama in the case submitted by the parties is accepted and the succession of Revanna Alias Niranjana Devaru as the Murti of Makkaladevara Matt is approved. The deputy Commissioner, Bangalore District, is requested to withdraw the attachment and hand over the properties to the Swami Niranjána Devaru.

No. 3621/767-09-2 Dated 20/6/18 Copy of the above is - forwarded to Revanna alias Niranjana Swami.

Bangalore.
June 1918.

By order,
K.Sadasiva Rao,
For joint Secretary,
Mus. Deptt.

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Office of the Assistant Commissioner. Closepet Sub-Division.

Dated 21st Oct 1924. Kananur (Magadi Taluk)

Revenue Miscellaneous Case No.6 of 24-25.

Subject: Settlement of the question of the getting back from the Trustees, of the remaining properties of the Makkaladevara Mutt at Kananur (Magali - Taluk).

Reference: Memo No. O.C.4420/23-24 dated 31st May 1924 from the Deputy Commissioner, Bangalore District, Forwarding for settlement of the matter, noted above, copy of letter No. Appeal No. 30/23-24, dated 20th may 1924, from the Muzrai Commissioner in Mysore to the Deputy Commissioner, Bangalore District, on the same subject.

O R D E R.

1. This is a referred case by the Muzrai Commissioner to this Office. The subject of the case is noted above.

From a study of the file of papers, bearing on the subject, I collect, for decision now, is briefly as follows:-

The Mutt by name Makkaladevara Mutt in Kannaur, Chowdi Begur (Magadi Taluk) is a Muzrai Institution with Inam lands for its upkeep. In 1907 (14th May) the mutt swamy Santha Veeraswamy died without nominating a successor. The present Swami Niranjana swamigalu, was chosen as the successor, by a Sabha held 2 days - later. Much objection was taken by the Murgi Mutt and other - disciples to the recognition of this succession. Petitions of such objection were made and the matter came off for decision before the Government (in Case No.2 of 1917 - 18). Pending the

settlement

16 pending the settlement of the matter, the properties of the Mutt were attached. A full inventory of the Mutt properties, (Moveables, consisting of cattle, grain, utensils and other articles) was made in february 1908 (No. 15 and 16 of the original file) and the articles entrusted on ../3/1908 to the joint custody of three persons (Village officers) in their official capacity as Village officers, (a) Ranganna, Shanbhog of Kananur. (b) Bhadre Gowda, Patel of Kananur and (c) Muddaveeriah, Patel of Chowdi - begur, obtaining from them a Mutchalika (No.10 of the original file) to the effect that they would deliver back the articles to Government, whenever demanded. They thus became the Trustees for these articles. As argards the Mutt Inam lands, they were at the same time allowed to be cultivated by the previous cultivators with arrangements for the determination of the produce on the land and for the delivery of the Rajapalu produce to the - patel, Muddaveeriah of Chodibegur, for custody and delivery - whenever demanded by Government.

In that case before Government, the parties made a compromise of their dispute and Government approved of the succession of the present Swamy and requested the Deputy Commissioner to withdraw the attabhment and hand over the properties to this swamy. (Vide copy of the Government decision, No.84 of the original file). The records were sent to the Taluk Office, for action accordingly. The Amildar took action, but the Swamy got charge only, (1) of the lands in 1918, (2) some items (as - detailed in No.4/1) of the moveables on 10/8/1918. The swamy did not get and has not got till now the remaining items of the properties (No. 4/2) and (except 11 Kandagas of grains towards towards the produce of the Mutt lands, as well appear - presently), the share of the produce of these lands due from - 1908-1918.

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The swamy urged that these remaining properties and crop share due to the Mutt might be got back to the Mutt early - from the Trustees on 12/12/1923, my predecessor in office (Mr.A. Krishnaswamy Iyengar) held an enquiry in the matter and ordered that the Swamy should obtain relief in getting back the remaining properties of the Mutt from the Trustees by resorting to a Court of competent jurisdiction. The swamy's appeal to the Deputy Commissioner against this order was also dismissed as time barred with with an observation that the Sub Division Officer had done what was in his power to carry out the Government order. On a further appeal of the Swami to the Muzrai Commissioner, against the Deputy Commissioner's order, the Muzrai Commissioner referred with observations, the case to this office for enquiry on the spot after - notice to all the parties and for an equitable decision acceptable to the Mutt. Hence the case now before me for settlement.

Accordingly after due notice to the parties concerned, I am at the spot and have made detailed enquiries to in the matter, It may here be noted that of the trustees (named above) only Muddaveeriah, patel of Chowdibegur is since dead (about 7 years ago). There are in his place his two sons Nanjundiah (patel now of Chowdibegur) and Muddanna living jointly at Chowdibegur. These two - persons are now duly present and heard.

Shanbhog Ranganna (trustee) is absent today. on account of his absence from the village, the notice has been duly served on his son Ramachandrappa present Shanbhogue of Kananur. The father and the son live together. The son says that the father went towards Mysore and that his presne whereabouts are not Known. On further enquiries, it looked that he had absented himself knowingly. I have, howefer, for the purposes of this case, perused - his

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his statement in this respect on 12/12/22 before the Sub-Divisior officer, and heard his son.

The other trustee and patel Bhadriah of Kananur is duly present, throughout the proceedings. Two other persons, Kadiah and his brother Chikka Kempanna of Kananur (also concerned in this case, as well appear presently) are also duly presen now. There is no other concerned person in this case.

I have explained the facts of the case and the point at issue to these persons and heard them fully. I have also visited the Mutt, this day, in the presence of most of the parti and made enquiries. After enquiry on each point at issue, I allowed the parties concerned some time for consultation and amicable settlement, if they could.

As regards the handing back of the remaining Mutt properties, by the trustees, it is clear on all sides that excep the items given to the swamy on 10/8/1918, the other items set o out in No. 4/2) have not been given yet to the swamy or handed back th Government by the trustees, according to their Mutcha-lika (No.18.) The responsibility of the trustees to give back the properties according to Mutchalika, is evidently joint and several.. Ranganna's contension (according to his statement noted above) that these properties were left in the Mutt in the possesion of Kadiah and Kempiah and are not with him does not in any way in the face of the Muchalika, given by him and the other 2 trustees exempt him from liability to hand the properties back to Government as demanded. The properties were expressly given to the trustees in their officeal capacity and not to Kadiah and Kempiah, and it is the trustees that have now give back the remaining articles to the authorities.

authorities. Whatever the cause of action as amongst the trustee and others, the trustees are now jointly and severally responsible to us to return the properties or to make good their value if the articles are not forthcoming.

In the present case, I gather that these remaining articles are not existing or forthcoming. For the purposes of our settlement, I have now in the presence of the parties and with the help of Panchayatdars fixed a reasonable market value of the several articles; due to the Mutt now and drawn up a valuation list. The tatal Value of all these items (30 in number) comes to Rs.1367/-. Thw swamy is agreeable to take in of the articles. This cash value there of the articles not existing or forthcoming. now.

The parties, I.E., trustees, Shanbhog Ranganna (by himself) and patel Bhadre Gowda (by himself) and patel Muddaveerih by hisundivided sons, Nanjundiah (patel of Chowdibegur) and Muldanna, are required jointly to hand over to the Mutt or to the Government (i.e., Amildar of the Taluk) all these articles or as agreed to by the swamy, their cash value, as fix d now by and intimated to them. The parties were given some time for consultation and amicable settlement. After an hour they came and from their replies and requests it was evident that they did not come to an under standing and are trying to evade the settlement further. So in the end, after further hearing them, the parties are given one month time from today, and told strictly that, if they do not by that time hand back to the mutt the articles in question or their cash value, (as fixed during the days proceedings and noted above), their joint and several responsibility will hereto be enforced according to

according to law, and they would, in regard to the breach of trus run further risk of departmental notice of their conduct as villag officers, and also of criminal proceedings. The trustwas given by the authorities to them in their public capacity as village officers of Government under a regular Mutchalika, and their - responsibility as trustees of Government has to be discharged now to Government, according to the terms of Muchalika.

As regards the share of the Inam land produce, due to the Mutt for 11 years from 1908-1918, it is found from enquiry that for 7 years (i.e., 1st 6 years and the last year 1918), patel Muddaveeriah (trustee deceased) for the produce share also, and his son Nanjundiah (the present patel of Chowdibegur)used to take the Rajapalu every year, and that for the other 4 years, Kadiah and and kempanna took the Rajapalu.

Patel Nanjundiah says that he has kept no accounts in this respect, that he cannot say how much of grain he got and that he gave 11 kandies of Ragi and padly to the swamy and took a recei The swamy does not deny having received 11 kandies from Nanjundiah and claims 8 kandies more. In the absence of exact acounts or information and as to the quantity of crop yielded in those 7 years the total yield may be taken at 16 kandagas, on a fair estimation. party having delivered 11 kandagas, five more would be still due, The party said that he would give 4 kandagas to the swamy in sa satisfaction of his dues, but the swamy claimed 8 kandies. Time was given, but they did not come to a compromise. The swamy said that he would accept the quantity that I thought fair in the circumstances. I struck it at five, according to the above calculatio and the swamy agreed to it. So the party (patel Nanjundiah) is

asked

asked to give 5 kandies to the swamy and is given one month's time for the delivery. He is told s rictly that, on failure to do so further needful action will be taken for the recovery from him.

As for the produce share for the other 4 years, due by the Kadiah and his brother, Kempanna, they say they have kept no accounts of the crop and do not know the quantity realised and the quantity due to the swamy. It is clear that the swamy has not so far, any grain from them. The rajapal produce for these 4 years may fairly be taken at 8 kandies on the whole. The swamy also agreed to this estimate. The parties (Kadiah and his brother - Mwmpanna) are accordingly required to give to the swamy, 8 kanlagas in a month's time and also told strictly that on failure to do so furhher needful action for recovery will be taken against them.

These are all the matters for settlement in this case. The parties are fully explained of the set'lement and decision now reached, and their signature taken on a separate sheet, setting out the result of the settlement. The Amildar will at the end of the one month allowed to the parties, make a report in the matter.

CAMP KANANUR,)
21st Oct 1914.)

Sd/ Navarathnam,
Assistant Commissioner, Closepet Sub-Division.

ORDER OF THE MUZRAI COMMISSIONER IN MYSORE.

Subject:- Appeal Petitions (No.11/25-26 dated 1/2/26 and 20/2/26.)of Bhadriah of Kannur Village,(Since deceased) Magadi Taluk and of Patel Nanjundiah and his brother Muddanna of Chowdi Begur Magadi Taluk against the order of the Deputy Commissioner Bangalore District in the matter of recovery from them of the value of the properties of the Makkala devaru Matt, Magadi Taluk which they held in trust.

APPELLANTS:-

1.Patel Bhadriah(Since deceased) of Konnur, Kadur Hobli, Magadi Taluk. 2.Patel - Nanjundiah of Chowdi Begur, Magadi Taluk and his brother Muddanna.

RESPONDENTS:-

Shanbhogue Ranganna of Kannur Village.
1.Sri Murgha Rejendra - Swami of Chital drug.
2.Niranjana Swami of Makkala Devaru Mutt.
3.Shanbhogue Ranganna,Konnu Magadi Taluk.
4.Bhadre Gowda, Patel,Kannu
6. Kempanna) of Kananur.
6. Kadayya.)
Sons of Siddappa.

Facts of the Case. -

The Mskkala deveru Mutt at Konnur is a Muzrai Institutior with Inam lands, in 1907 the Swamy having died the Succession Came intodispute and till Niranjana Swami's Succession was - accepted by the Government the properties of the Mutt were left in 1908 in possession of three of the Village Officers Viz (Ranganna, Shanbhogue of Kannur. 2. Bhadre Gowda Patel of that Village and 3 Muddaveeriah patel of Chowdi Begur)

Obtaining a Mutchalika from them stating that they would return to Government when demanded the articles which consisted of cattle, grain, utensils and other garden implements and etc.,

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etc., The Matt Inam lands were allowed to be in the occupatic of the tenants who were to pay the Rajpalu to the hands of patel Muddaveeriah of Chowdi Begur on condition of delivering the same to Government when demanded. In June 1918 Govern- ment inaccepting the succession of Niranjana Swami directed that the properties be handed over to the Swami elect. On action being taken by the Amildar in this respect the SWamy go charge of the lands and certain moveables. The swami urged for the delivery of the rest on 12/12/22 the Sub-Division Offi cer Mr. A.Krishna Swami Iyengar after enquiry into the matter ordered that the remaining properties should be got by resor- ting to a court of competent jurisdiction. The swami's appe to the Deputy Commissioner against this order was dismissed a time barred with the observation that the Sub-Division Office has done what was in his power to carry out the Government Order.

The Swami came in appeal to the Muzrai Commissioner who observed that the case should not have been dismissed as time barred and directed that the Sub-Division Officer should be instructed to go to the spot and arrive at an equitable decision acceptable to the Matt and report the Result.

The sub-Division Officer (Mr.Naranathem Naidu) after needful inquiry ordered that Shanbhogue Ranganna, Patel Bhadre Gowda of Kannur and patel Muddaveeriah of Chowdi Begur represented by his undivided sons Nanjundiah and Muddannah, should Jointly hand over to the Matt or Government (Amildar o Taluq) all articles their cash value amounting to Rs.1367/- as calculated by him. Shanbhog Ranganna appealed against his

order

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his order to the Deputy Commissioner who confirmed that the disciples caote men of the Mutt who had special access to the properties be proceeded against, first, and then Shanbhogue if the claims are not satisfied. The present appeal is against this order. The appellant Bhadriah having since died, his son Veeranniah has succeeded him. The parties with their respective ~~xxxxx~~ counsel were heard.

Order No. D.1 Dis 98/27 - 28.

Dated Bangalore 24th Nove 1927.

O R D E R.

The facts are fully set forth in the Sub-Division Officer's order dated 21st October 1924. It is not denied that Niranjana Swami has not received all the properties that were attached - before his succession was recognized by Government. The two - grounds on which his claim is resisted are firstly that owing to the settlement made by the Murgi Mutt Swami, the items now claime were included in that settlement and secondly that owing to - collusion between him and other trustees who took the property who are his co-religiousists, efforts are made to transfer the responsibility to the Shanbhogue who did not receive any of the properties and he should therefore settle the matter with his Co- religiousists.

As regards the first contention there is no doubt that the Mutchalika originally executed and the pleadings on behalf of the Swami before me lend colour to the contention that the settlement of the Murgi Swami embraced all the matters in dispute. I therefore gave the Agent of the Murgi Mutt Swami to understand that having regard to the admissions made on behalf of the swami it would ~~xxxxx~~ before him to exercise his spiritual and other authority

authority and see that the claims of Niranjanaswami were ~~ax axx~~ satisfied as it was stated that all matter pertaining to the to the properties had also been settled and he took time to have the matter amicably settled. He now reports that it has not been possible to come to any settlement Government have nothing to do with the settlement made by the Muggi Mutt Swami in regard to the properties and though it is very unfortunate that as one of the trustees is a Brahmin Shanbhog who did not recieve the ~~pxp~~ property on him; however much I might sympathize with him yet as a trustee he is bound to account for the properties and it was his duty to see when the properties were in the possession of the trustees in order to escape from his owing individual liability that the properties were properly cared for and for neglect of this duty he has been right by held liable by the Subordinate officers. From the pleadings before me on behalf of the Co trustees and the circumstances of the case, there was no doubt in my mind there was some secret understanding between them, and the Deputy Commissioner has therefore very rightly ordered that they should be proceeded against and the Shanbhogue liability treated as a reserve liability. It was also urged before me that the properties have been over valued by the Sub-division officer. On going through the list I find that the First twenty three articles are vessels, instruments and other moveables not capable of much deterioration and I am not prepare to say that the valuation put on them is not fair. There were however 2 bulls, 1 Cow, 2 calves 1 heifer and four other Cows. It is stated that no credit has been given for the cost of feeding them. They are also such as were not likely to be of much service to the persons in whose possession they were who being agriculturists had cattle of their own. The respondent

should

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should be satisfied if he gets only half the price set on this by the Sub Division Officer, the other half being considered - as a reasonable remuneration for keeping custody of the articles, I find the value set is Rs.595/-. The claim may be reduced by 295/-. The other articles consist of grains. There was great delay in getting his right recognised on the part of the Niranjana swami and establishing his rights to these articles. Grains are very liable to depreciation and if the original grains could be given back to him they would be worth nothing. The tatal value put up on this is Rs.620/-. Here also he should consider himself very well treated if he receives in cash the ~~articles~~ actual value. The ~~claim~~ claim will therefore be further reduced by Rs.-310/- i.e. in value by Rs.310 plus 295 or Rs.605/- the Deputy - commissioner's order will be modified to the extent that the total amount to be given to Niranjana Swami will be Rs.1367- 605 or Rs.762/- but his direction as to the mode of recovery viz, that the disciples of the Matt who undertook charge of the properties Should be proceeded against first and then the Shanbhogue Rangamma will hold good. In other respects the Subordinate authorities have taken a very fair and equitable view of the case.

The appeals are rejected with the modification referred to above.

Sd/ P.G.D'Souza,
Muzrai Commissioner.

Copy.

Before the Government of His Highness the Maharaja of Mysore.

Muzrai Appeal No.14 of 1927 - 28.

Appellant:- --(VS)-- Respondents.

Niranjana Swami, Patel Veerânniah and two others.

Subject.

Appeal against the Muzrai Commissioner's order directing the recovery of a sum of only Rs.762/- being the value of certain Mutt properties left in the possession of the Village officers in in 1908 ipending settlement of succession to the Headship of the Mutt.

Decision.

The case was heard on 21st April 1928. The parties were present and were also represented by their advocate.

Government have perused the records and haard the arguments urged by the counsel for the parties, and they find that the order passed by the Muzrai Commissioner cannot be supported. The management of the properties of the Mutt was taken over by Government on its behalf during the absence of a person recognised as its head. On the recognition of the succession of Niranjana Swamy and on the transfer of the management of the Mutt to him, all action in respect of the recovery of its properties should be taken by him. He may take in the interests of the Mutt whatever course is open to him according to law.

Memo No.2095/

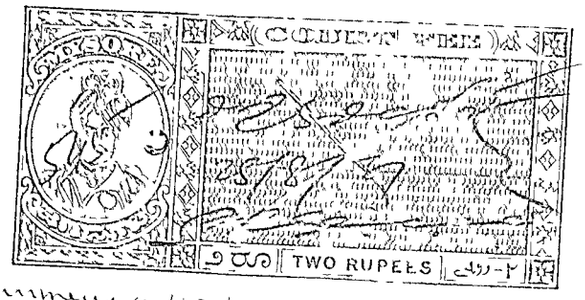
Memo No.2095/Muz 183-27-8 dated 18th May 1928.

Copy of the above is forvarded to the Muzrai - commissioner in Mysore with the records received with his letter No.C.915 dated 9th March 1928.

By order.

Sd/ B.Srinivasa Iyengar,
Secretary to Government,
Financial Department.

Copy.



ಕೋರ್ಟಿಗೆ, 29

Before the Government of His Highness the Maharaja ಕೋರ್ಟಿಗೆ

193 —3. ನೇ ನಂಬರು. Mysore

Muz: Rev P. Nim

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್

P. Nimma

ಪ್ರತಿವಾದಿ ಯಾ ಆಪೋನೆಂಟ್

Sri Nimmappa Nanj } Vs. {
J. Kanaan. }

ಮು॥ ರಾ॥ ಕೆ. ಯರ್. ಶ್ರೀನಿವಾಸ್, ಎಂ ಎ., ಎಲ್ ಎಲ್. ಬಿ, ಅಡ್ವೊಕೇಟ್,
ಮು॥ ರಾ॥ ಎಂ. ವಿ ಶ್ರೀನಿವಾನರಾವ್, ಬಿ. ಎ ಬಿ ಎಲ್. ಅಡ್ವೊಕೇಟ್,
ಮು॥ ರಾ॥ ಆರ್. ಪಿ. ವಾಸುದೇವ್, ಬಿ. ಎ. ಬಿ. ಎಲ್. ಅಡ್ವೊಕೇಟ್,
ಮು॥ ರಾ॥ ಎ ಎಸ್. ಮಲ್ಲಪ್ಪ, ಬಿ ಎ.. ಎಲ್ ಎಲ್, ಬಿ. ಅಡ್ವೊಕೇಟರವರಿಗೆ

P. Nimma ..... ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ವರವಾಗಿ ಆಖ್ಖೈರುವರಿವಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನವರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ರಾಜಿವನ್ಯೈರೆ ಪೈಸಲ್ಮಾಡಿಸತಕ್ಕ ಬಗ್ಯೂ, ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿಮೊಬಲಗೂ, ಶಿಲ್ಕು ಮೊಬಲಗೂ, ರೀಫಂಡು ಸ್ಟ್ಯಾಂಪು ಮೊಬಲಗೂ, ದಸ್ತೈವಜು ಪಗೈರೆಗಳನ್ನು ವಾಪಸುಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ನಿರಂಜನಸ್ವಾಮಿಯ್ಯ

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ. } ಈ ಮೊಕ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇವೆ.

R Minnappa

ಬೆಂಗಳೂರು,
ತಾರೀಖು ೨೪. ೮ — 193/

ಅಡ್ವೊಕೇಟ್ಸ್

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

FINANCIAL SECRETARIAT,

Dated, Bangalore, 12th September 1931

No. 397

Mun 68-31-2

From

Rajasevaparayana
B. SRINIVASA IYENGAR, Esq., B.A., B.L.,
Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

K. N. Srinivasan, Esq., M.A., LL.B.,
Advocate, Bangalore City.

Sir,

With reference to petition dated 2nd September 1931, presented by you on behalf of Niranjani Swamigalu of the Sri Makkaladevara Mutt, Kamanur, Magadi Taluk, praying for a - revision of the order dated 10th May 1928 in Muz. Appeal 14 of 27-28, I am directed to invite your attention to the decision communicated to your client in this office endorsement No. 460 dated 27th August 1928 and to state that the present petition is rejected.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/ B. Srinivasa Iyengar,

Financial Secretary to Government

Memo No. 398 Bangalore, dated 12th September 1931.

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore, in continuation of this office Memo No. 461/Muz. 36-28-2, dated 27th August 1928.

By Order,

V Subrahmanyasastri

for Financial Secretary to Govt.

TRM.3

Appendix F G—1]

SUBJECT .....

.....

.....

Section Mis 3
File No. 68-31
Serial No. 2

Diary No. of letter replied to .....

No. 397

To V. N. Srinivasan Esq M.A. LLB
Advocate.
Bangalore city

General and Revenue Secretariat
( )
the *193*

Date of issue 14.9.31

Signed by Jas V S

Sir

With reference to petition presented by you on 2-9-31 ~~filed~~ on behalf of Nivanjana Swamiji of the Sri Mallikarjuna mutt Kanakapura, praying for a revision of the order dated 18/5/28 in Misc appl 140 of 27-28, I am directed to ~~inform you that the petition has already been rejected~~ invite your attention to the decision communicated to your client in this office

List of enclosures .....

Copied by .....

Examined by .....

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Endt no 460 dt 27.8.28, and ~~to state~~ ~~In the circumstances no further review is admissible~~ the that the present petition ~~dies by the~~ is rejected

Name etc,

12.9.31

See note

Memo 398 dt 14.9.31 Dept

Cdy to M-C in continuation of this office memo no 461/Mtg 36-28-2 - dt 27-8-28.

D.O

12.9.31

M-See below

Dept

A.F.S

11/9/261

Pages 1-32